

**ZB# 04-22**

**Anthony Albanese**

**77-1-9**



ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Granted 5-10-04*

ZBA #04-22 A. ALBANESE (AREA)  
2301 PIONEER TR. (77-1-9)



Anthony Albanese 567-9177



**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4615 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: June 24, 2003**

**APPLICANT: ANTHONY ALBANESE  
2301 PIONEER TRAIL  
NEW WINDSOR, NY 12553**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: June 23, 2003**

**FOR : PROPOSED 16 x 18 DECK**

**LOCATED AT: 2301 PIONEER TRAIL**

**ZONE: R-3      Sec/Blk/ Lot: 77-9-1**

**FILE COPY**

**DESCRIPTION OF EXISTING SITE: SECTION 77 BLOCK 9 LOT 1**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. PROPOSED 16 X 18 DECK WILL NOT MEET MINIMUM 30' REAR SET BACK**

  
**BUILDING INSPECTOR**



PERMITTED	SEE APPROVED SITE PLAN	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
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ZONE: **R-3**      USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:	<b>30'</b>	<b>14'</b>	<b>16'</b>
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REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

**APPROVED**

**04-22**



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Gas line is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JUN 23 2003

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:  
Building Permit #: 2003-750

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Mr & Mrs. Anthony and Tracy Albanese

Address 2301 Pioneer Trail Phone # 845-567-9177

Mailing Address New Windsor, N.Y. 12553 Fax # \_\_\_\_\_

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_



State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the East side of Pioneer Trail  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of Liberty Ridge

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N ☒

3. Tax Map Description: Section 77 Block 9 Lot 1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy residence b. Intended use and occupancy Deck

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? yes

7. Dimensions of entire new construction. Front 15 1/2 x 16 Depth 33 Height 49 No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \$ 2,000

Fee

\$50.00

CL# 2313

**PAID**

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

date  
6.8.3.103



6, 23, 103  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Liel & Louis Kryshear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4895 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Tracy A. Albanese  
(Signature of Applicant)

\_\_\_\_\_  
(Address of Applicant)

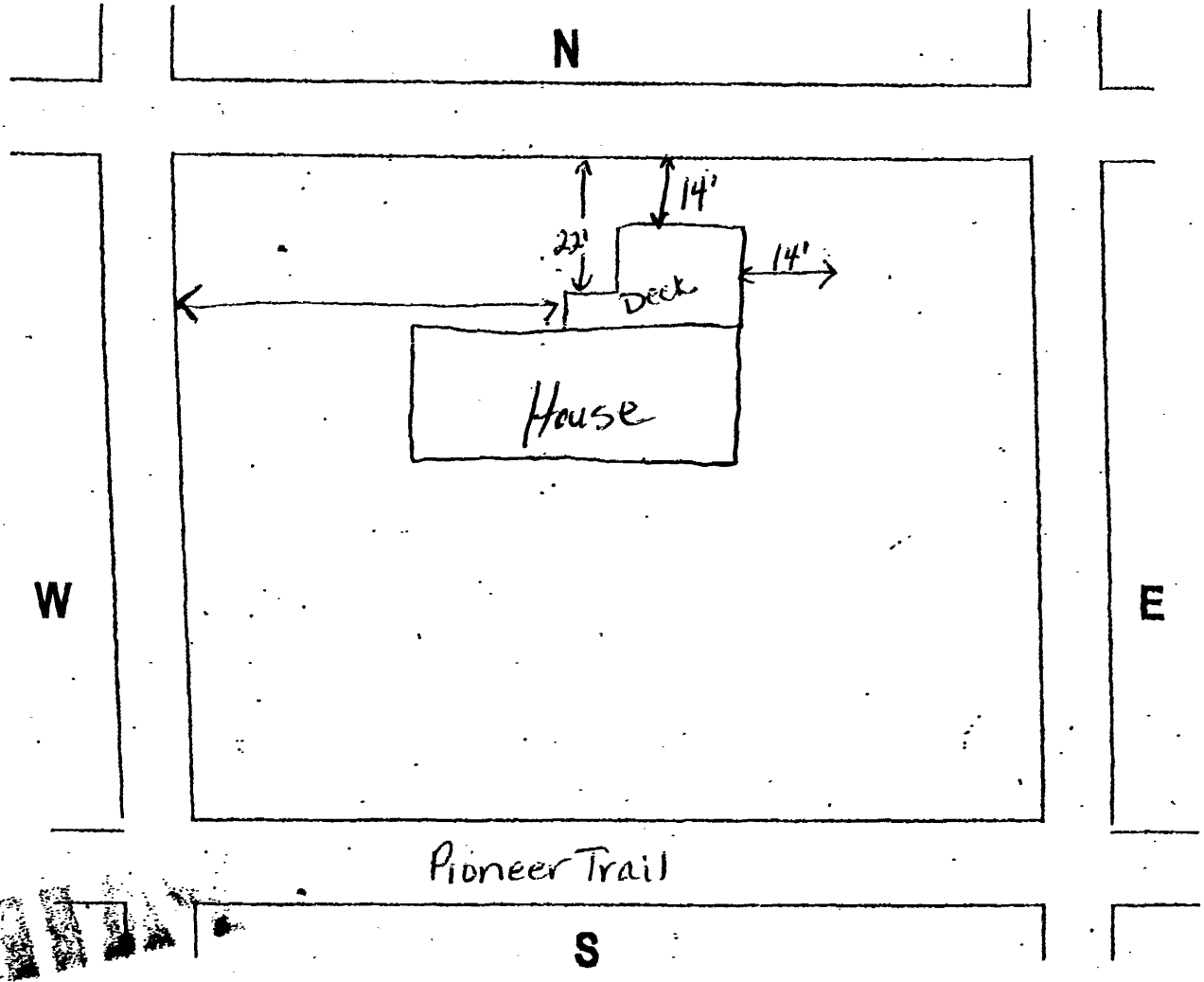
Tracy A. Albanese  
(Owner's Signature)

\_\_\_\_\_  
(Owner's Address)

PLOT PLAN



dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made by local agencies but those listed below must be made by City of Overland Park. The cost of the inspection is the responsibility of the applicant.



S. 65, B. 1, L. 62

LIBERTY RIDGE  
(Under Construction)

$R = 20.00'$   
 $L = 31.93'$   
C.B.  $N 50^{\circ} 57' 18'' E$   
C.D. = 28.64'

$S 83^{\circ} 18' 51'' E$   
64.84'

$S 00^{\circ} 10' 09'' W$   
47.78'

$S 05^{\circ} 54' 51'' E$   
65.77'

F.M. LOT  
1

Building Setback Lines

2 STORY  
FRAMED  
DWELLING

$S 83^{\circ} 50' 09'' W$   
100.08'

W.V.

DRIVE

$N 05^{\circ} 13' 25'' E$   
39.89'

$R = 658.11'$   
C.B.  $N 02^{\circ} 00' 40'' E$

$L = 73.81'$   
C.D. = 73.77'

UNDERGROUND  
UTILITIES

FACE C

PIONEER TRAIL

(Under Construction)















NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 77-9-1

In the Matter of the Application of

**ANTHONY ALBANESE**

MEMORANDUM OF  
DECISION GRANTING

**AREA**

CASE #04-22

**WHEREAS, Anthony Albanese**, owner(s) of 2301 Pioneer Trail, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 16 ft. Rear Yard Setback and not-to-exceed 3 ft. Setback for proposed deck at 2301 Pioneer Trail in an R-3 Zone (77-9-1)

**WHEREAS**, a public hearing was held on May 10, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.
  - (b) The applicant seeks to put a deck on the back of his property.
  - (c) The construction of the deck, if permitted, will not create the ponding or collectin of water or divert the flow of water drainage.



- (d) The deck is similar in size and nature to other decks in the neighborhood.
- (e) The deck will not be constructed on top of nor interfere with any easements including, but not limited to, water, sewer and electricity.
- (f) Without a deck on the back of the premises, a person exiting the rear of the premises would be likely to sustain serious injury.
- (g) The deck will not extend past the house.
- (h) The property is so situated that it has, legally, two front yards although it appears visually only to have one.
- (i) The rear yard neighbor of the property is the Town of New Windsor.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.



8. The interests of justice will be served by allowing the granting of the requested area variance(s).

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 16 ft. Rear Yard Setback and not-to-exceed 3 ft. Setback for proposed deck at 2301 Pioneer Trail in an R-3 Zone (77-9-1) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: May 10, 2004

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Chairman





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## OFFICE OF THE ZONING BOARD OF APPEALS

August 10, 2004

Anthony A. Albanese  
2301 Pioneer Trail  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-22

Dear Mr. Albanese:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: 6-28-04**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 169.50 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #04-22**

**NAME & ADDRESS:**

**Anthony A. Albanese  
2301 Pioneer Trail  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**L.R.6-28-04**





**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #04-22      TYPE: AREA

APPLICANT Name & Address:

**Anthony A. Albanese  
2301 Pioneer Trail  
New Windsor, NY 12553**

TELEPHONE:      527-5380

RESIDENTIAL:	\$ 50.00	CHECK # <u>2534</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      RESIDENTIAL \$300.00      CHECK # 2535

~~~~~

| <u>DISBURSEMENTS:</u>        |                | <u>MINUTES</u><br><u>\$5.50 / PAGE</u> | <u>ATTORNEY</u><br><u>FEE</u> |
|------------------------------|----------------|----------------------------------------|-------------------------------|
| PRELIMINARY:                 | <u>4</u> PAGES | \$ <u>22.00</u>                        | \$ <u>35.00</u>               |
| 2 <sup>ND</sup> PRELIMINARY: | ____ PAGES     | \$ _____                               | \$ _____                      |
| PUBLIC HEARING:              | <u>7</u> PAGES | \$ <u>38.50</u>                        | \$ <u>35.00</u>               |
| PUBLIC HEARING:              | ____ PAGES     | \$ _____                               | \$ _____                      |

TOTAL:      \$ 60.50      \$ 70.00

~~~~~

ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:      \$ 130.50

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 169.50

Cc:



ANTHONY ALBANESE (04-22)

MR. KANE: Request for 16 ft. rear yard setback for proposed deck at 2301 Pioneer Trail in an R-3 zone.

Mr. Anthony Albanese appeared before the board for this proposal.

MR. REIS: I just want to declare to the board for the record that I am presently doing business with Mr. Albanese and partners but in no way is my voting on this going to affect or my opinions on this will not affect--

MR. KANE: Your business relationship will have no affect on your ability.

MR. REIS: That's correct, thank you for noting that. Anthony, speak up, tell us what you want to do.

MR. ALBANESE: I'd like to put a deck on the back of my house, 16 foot deck.

MR. KANE: Seems to be the trend. Same questions, cutting down any trees or substantial shrubbery with building of the deck?

MR. ALBANESE: No.

MR. KANE: Create any water hazards or runoffs?

MR. ALBANESE: No.

MR. KANE: Deck is similar in size and nature to other decks in the neighborhood?

MR. ALBANESE: Yes.

MR. KANE: Any easements in your back yard where the deck is going to go?



MR. ALBANESE: No.

MR. KANE: Obviously without the deck there or your stairs that go like this there would be a safety hazard coming out of the back door?

MR. ALBANESE: Yes.

MR. REIS: For the record, this is going to be similar to other decks in your area?

MR. ALBANESE: Yes.

MR. KANE: Your deck is not going to extend passed the house on this side, right?

MR. ALBANESE: No.

MR. KANE: You're one of the lucky guys with two front yards.

MR. ALBANESE: I know, not very lucky.

MR. KANE: At this point, I will open the meeting up to the public, ask if there's anybody here for this particular hearing. Nobody cares? We'll close the public portion of it ask Myra how many mailings we had.

MS. MASON: On April 20th, I mailed out 56 envelopes with the notice of public hearing and I had no responses.

MR. BABCOCK: The Town of New Windsor is his rear yard neighbor, the park, just so you know.

MR. KANE: Do they have a complaint?

MR. BABCOCK: No.



MR. MINUTA: Mike, what's the current side yard setback?

MR. KANE: In his area, ten foot.

MR. BABCOCK: That's a special one too, Mr. Chairman, this was the development that was approved in the '70s.

MR. ALBANESE: I believe my side yard on that side is 12 feet.

MR. BABCOCK: His, yeah, his minimum is 12 foot side yard, 30 foot rear yard, he has 30 foot 6 and a 25 foot front yard is what the requirements are and that's that development.

MR. MINUTA: Correct me if appropriate here but if the deck is coming out on looks to be the right-hand side of the property, he may need a side yard variance as well, if it comes out straight against the wall of the house as shown here, just want to cover it for you.

MR. KANE: It's going towards the Liberty Ridge street side.

MR. MINUTA: So if you're coming out 14 feet this way.

MR. ALBANESE: Sixteen feet.

MR. MINUTA: By the time you get out here 16 feet or so it would appear to me that you may be encroaching your side yard.

MR. KANE: Because your property line runs at an angle.

MR. BABCOCK: You're right.

MR. ALBANESE: I didn't notice that.

MR. REIS: Can we get that into the record now?



MR. ALBANESE: But if it's ten feet, do you think it would be affected?

MR. MINUTA: I don't have a scale, I'm not sure at this point. If we say this is your deck in line with the house up to this point you're okay, once you move beyond this point, it's sketchy.

MR. REIS: Can we adjust the request for a variance to include his side yard not to be in excess of two feet?

MR. BABCOCK: Or this particular proposal his deck he's showing is it actually goes out 16 or 18 in that corner.

MR. ALBANESE: It's 16.

MR. BABCOCK: So I would say that the proposal that he can't go any farther than 16 feet whatever that is cause I don't have that measurement myself.

MR. REIS: You understand what we're trying to do?

MR. MINUTA: Trying to cover all the bases for you.

MR. ALBANESE: In case there's any complaints down the road.

MR. KANE: An issue with the bank.

MR. ALBANESE: I never thought of that.

MR. MINUTA: Is that acceptable?

MR. KANE: How many feet did you say?

MR. MINUTA: Doesn't--

MR. BABCOCK: I'm going to say two foot myself.



MR. KANE: Let's give him a little leeway and call it 3 feet so we want a three foot side yard variance, correct?

MR. REIS: Not to exceed.

MR. KANE: Right.

MR. BABCOCK: So the required is 12 and he's gonna propose 9 and he will need a variance of side yard of three foot.

MR. KANE: That should cover it that, okay with you to make those changes?

MR. ALBANESE: Make the changes here or go through the process?

MR. KANE: No, we're trying to save you from going through the process. Are we on fairly solid ground?

MR. KRIEGER: Yes.

MR. BABCOCK: The proposal has not changed, what he's proposed here that's not changed, the whole layout has not changed so he's not trying to make the deck bigger tonight so we feel that we're comfortable with it.

MR. KANE: Just the angle of the property line.

MR. MINUTA: In that case, if that's a concern, could we word this that the deck would fall flush in line with the side wall at that angle rather than grant a two foot or three foot that it's within that variance?

MR. KANE: Sixteen feet out, it's flush with the side of the house.

MR. MINUTA: Correct.



MR. KANE: You get to word it.

MR. KRIEGER: Well, what you do you can ask if you want to you can grant the variance he requests but put that in as a condition, we'll put that in in the end.

MR. KANE: Three foot in keeping.

MR. KRIEGER: Well, flush.

MR. KANE: Okay, anything else?

MR. MINUTA: Accept a motion?

MR. KANE: Yes.

MR. MINUTA: Make a motion that we grant Anthony Albanese his requested 16 foot rear yard setback for the proposed deck at 2301 Pioneer Trail and addendum to that being that the deck not exceed 16 feet on the--

MR. BABCOCK: It's the south side.

MR. MINUTA: --on the south side, so then the easterly wall, so the deck would not extend passed the easterly wall in the same direction and bearing as said wall.

MR. ALBANESE: It wouldn't have any affect, if I, like my railing say this is my house and this is my deck and my railing comes out over here, would it be affected by that cause it wouldn't be completely? Do you know what I mean? All it would be would be railing deck.

MR. BABCOCK: No, the deck is straight out from your house.

MR. KANE: If the railing overlaps, that's okay. Up to a possible three foot side yard variance.



May 10, 2004

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MR. MINUTA: Up to and not to exceed a possible three foot side yard variance according to said requirements.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE



ANTHONY ALBANESE (04-22)

Mr. Anthony Albanese appeared before the board for this proposal.

MR. KANE: Request for 16 ft. rear yard setback for proposed deck at 2301 Pioneer Trail in an R-3 zone.

MR. ALBANESE: I'm requesting to get a variance for a deck behind my house.

MR. KANE: You're Anthony Albanese?

MR. ALBANESE: Correct. I don't know what else to say to you, you come out of the back of the house, it's an eight foot by eight foot, you can see it here, we're going to put on two steps to a 16 foot deck, that's what it looks like. Behind me is the park, New Windsor Recreational Park.

MR. KANE: How long has the house been here?

MR. ALBANESE: I moved in two years ago so.

MS. MASON: He's in The Reserve.

MR. KANE: The deck itself is going to take the place of the stairs that come in out of the back door?

MR. ALBANESE: Correct.

MR. KANE: And I will ask even though the pictures are obvious, no cutting down of trees or substantial shrubbery?

MR. ALBANESE: No.

MR. KANE: Will you be creating any water hazards or runoffs with the building of the deck?



MR. ALBANESE: No.

MR. KANE: Is the deck typical in size to other decks in your neighborhood?

MR. KRIEGER: Size and appearance, not identical but similar?

MR. ALBANESE: As far as I know, there's, from what I see on my road of houses, there's no decks, there's mainly patios.

MR. KANE: There's no trick questions, so as you're driving through, you don't feel that there's any, this deck isn't oversized compared to other decks on other homes that you've seen?

MR. ALBANESE: Not at all.

MR. KANE: You don't feel that the deck will change the nature of the neighborhood?

MR. ALBANESE: Not at all.

MR. KANE: These are the new homes over there, fairly new, right, Mike?

MR. BABCOCK: Yes, this is March of 2002, Mr. Chairman.

MR. KANE: I don't have a problem with anybody putting up a deck. I have the problem with the builders building the lot not leaving room for a deck so they can squeeze another house in but that has nothing to do with you. Steve, any questions?

MR. RIVERA: What size is the deck going to be?

MR. KANE: Looks like 14 feet.

MR. BABCOCK: It's actually 18 x 16 total.



MR. ALBANESE: This is going to be 16 feet, I think it's 18 feet, it's 8 x 8.

MR. MC DONALD: Didn't leave you very much room back here, did they?

MR. ALBANESE: No.

MR. MC DONALD: All of them are like this, you can get a cup of coffee from your neighbor without going outside, they're that close. What are we going to do, have all of them coming in?

MR. BABCOCK: Typically, anybody that wants a deck will need a variance, pretty much any size deck so whether if he wanted to put a deck that was 6 x 6, he would be here tonight.

MR. KANE: To be argumentative, does anybody ever bring this stuff up at the planning board?

MR. BABCOCK: Well, as you know, this was a subdivision that was granted approval back in the '70s and we wanted the developer to consolidate some lots and make it bigger, but we weren't successful in doing that and he's building it in the '70s, they didn't include decks as setbacks. Today, we do.

MR. KANE: You're off the hook, Mike. Gentlemen, any other questions?

MR. RIVERA: Will you be going over any water hazards? Did you cover that?

MR. KANE: Yes.

MR. RIVERA: Accept a motion?

MR. KANE: Yes, I will.



MR. RIVERA: That we set up Mr. Albanese for a public hearing on his requested 16 foot rear yard setback for proposed deck at 2301 Pioneer Trail.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE





RESULTS OF Z.B.A. MEETING OF: May 10, 2004

PROJECT: Anthony Albarese

ZBA # 04-22  
P.B.#



USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

NEGATIVE DEC: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

PUBLIC HEARING: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

APPROVED: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) S) VOTE: A N  
RIVERA  
MCDONALD  
REIS CARRIED: Y N  
MINUTA  
KANE

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ☒

VARIANCE APPROVED: M) MN S) VOTE: A N

★  
RIVERA  
MCDONALD  
REIS  
MINUTA  
KANE

CARRIED: Y N

Need "Not to exceed 3' Sideyard Setback"

16' out flush with side of House



**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

ANTHONY ALBANESE

AFFIDAVIT OF  
SERVICE  
BY MAIL

#04-22

\_\_\_\_\_ X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 20TH day of **APRIL**, 2004, I compared the 56 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra Mason  
Myra L. Mason, Secretary

23<sup>rd</sup> day of April, 2004

J. P. MacGallagher  
Notary Public

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/ 2006



**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

**Appeal No. 04-22**

**Request of ANTHONY ALBANESE**

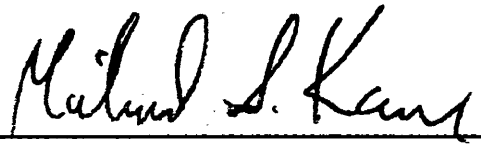
**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 16 ft. Rear Yard Setback for proposed deck**

**for property located at: 2301 Pioneer Trail in an R-3 Zone**

**known and designated as tax map Section 77 Block 9 Lot 1**

**PUBLIC HEARING will take place on MAY 10, 2004 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.**

A handwritten signature in black ink, reading "Michael S. Kane", written over a horizontal line.

**Michael Kane, Chairman**





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

April 16, 2004

Anthony Albanese  
2301 Pioneer Trail  
New Windsor, NY 12553

Re: 77-9-1 ZBA# 04-22

Dear Mr. Albanese:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00 , minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/tmp  
Attachments

CC: Myra Mason, Zoning Board



Section 77 (various)  
Mt. Airy Estates, Inc.  
c/o Sarna Enterprises  
15 Engle Street - Suite 100  
Englewood, NJ 07631

77-2-12  
Ramon Cardona Jr. & Sr.  
2803 Cherry Tree Way  
New Windsor, NY 12553

77-2-15  
Yves & Barbara Boudreau  
2704 Colonial Drive  
New Windsor, NY 12553

77-2-18  
Laverne Bey  
2710 Colonial Drive  
New Windsor, NY 12553

77-3-3  
Robert & Erinn Chatfield  
2205 Reveres Run  
New Windsor, NY 12553

77-3-6  
Tyree & Carolyn Smallwood  
2020 Independence Drive  
New Windsor, NY 12553

77-6-8  
Michael & Michelle Thomas  
2713 Colonial Drive  
New Windsor, NY 12553

77-6-11  
Amir & Farida Islam  
2707 Colonial Drive  
New Windsor, NY 12553

77-6-18  
Terry Lee Armstrong, Sr.  
Shirlyn Manzana Armstrong  
2608 Liberty Ridge  
New Windsor, NY 12553

77-6-21  
Francisco Soto, Jr.  
Cynthia Diaz  
2614 Liberty Ridge  
New Windsor, NY 12553

77-2-10  
Matthew & Cheri Elliott  
2807 Cherry Tree Way  
New Windsor, NY 12553

77-2-13  
Larry Frazier  
2801 Cherry Tree Way  
New Windsor, NY 12553

77-2-16  
Maria Stewart  
2706 Colonial Drive  
New Windsor, NY 12553

77-2-19  
New Windsor Development Co., LLC  
16 Microlab Road - Suite A  
Livingston, NJ 07039

77-3-4  
Scott & Cyndee Weiss  
2203 Reveres Run  
New Windsor, NY 12553

77-4-5  
Michael & Holly Stark  
2204 Reveres Run  
New Windsor, NY 12553

77-6-9  
James Porter & Leo Mathelier  
2711 Colonial Drive  
New Windsor, NY 12553

77-6-12  
Dorcas Peralta  
2705 Colonial Drive  
New Windsor, NY 12553

77-6-19  
Yelena Lakhman  
2610 Liberty Ridge  
New Windsor, NY 12553

77-6-22  
Jeri & Cheryl Kocik  
2616 Liberty Ridge  
New Windsor, NY 12553

77-2-11  
Antonio & Laura Nastro  
2805 Cherry Tree Way  
New Windsor, NY 12553

77-2-14  
John & Gloria Brown  
2702 Colonial Drive  
New Windsor, NY 12553

77-2-17  
Christopher & Jennifer Bautista  
2708 Colonial Drive  
New Windsor, NY 12553

77-2-20  
John & Nicole White  
2714 Colonial Drive  
New Windsor, NY 12553

77-3-5  
Gerard Hopkins  
2018 Independence Drive  
New Windsor, NY 12553

77-4-6  
Solomon & Aileen Vilda  
2202 Reveres Run  
New Windsor, NY 12553

77-6-10  
Neal & Theresa Iaquina  
2709 Colonial Drive  
New Windsor, NY 12553

77-6-14  
Jeffrey & Giuseppina Saracino  
2701 Colonial Drive  
New Windsor, NY 12553

77-6-20  
David & Ellen Olsen  
2612 Liberty Ridge  
New Windsor, NY 12553

77-7-5  
Wilson Ventura & Ana Arino  
2617 Liberty Ridge  
New Windsor, NY 12553



77-7-6

Kenneth & Annette McTigue  
2615 Liberty Ridge  
New Windsor, NY 12553

77-7-7

John & Marilyn Kresevic  
2613 Liberty Ridge  
New Windsor, NY 12553

77-7-8

Richard & Rose Marie Rose  
2611 Liberty Ridge  
New Windsor, NY 12553

77-7-9

Daniel & Diana Morales  
2609 Liberty Ridge  
New Windsor, NY 12553

77-7-10

German Delgado  
Olga Escobar  
2502 Constitution Way  
New Windsor, NY 12553

77-7-11

Sanilda & Patrice Wallace  
2504 Constitution Way  
New Windsor, NY 12553

77-7-12

Jijy & Susan James  
2506 Constitution Way  
New Windsor, NY 12553

77-7-13

Edward & Karen D'Esposito  
2508 Constitution Way  
New Windsor, NY 12553

77-7-14

Alicio & Michele Valle  
2510 Constitution Way  
New Windsor, NY 12553

77-8-6

Rodney & Sophia Goitia  
2509 Constitution Way  
New Windsor, NY 12553

77-8-7

Thomas & Gina Smith  
2507 Constitution Way  
New Windsor, NY 12553

77-8-8

Robert & Elizabeth DePaolis  
2505 Constitution Way  
New Windsor, NY 12553

77-8-9

Daisy Melendez  
2503 Constitution Way  
New Windsor, NY 12553

77-8-10

Prabhas Ranjan & Rina Das  
2501 Constitution Way  
New Windsor, NY 12553

77-8-11

Thelma Holt Daniels  
2402 Settlers Ridge  
New Windsor, NY 12553

77-8-12

Kaiwen Wu & Qun Dong  
2404 Settlers Ridge  
New Windsor, NY 12553

77-8-13

Barney & Darlene Brice  
2406 Settlers Ridge  
New Windsor, NY 12553

77-8-14

Martin & Vivian Pastor  
2408 Settlers Ridge  
New Windsor, NY 12553

77-8-15

Jason & Grace Vazquez  
2410 Settlers Ridge  
New Windsor, NY 12553

77-9-2

Peter & Vivian Melendez  
2303 Pioneer Trail  
New Windsor, NY 12553

77-9-3

Edward Bishop & Karri Condos  
2305 Pioneer Trail  
New Windsor, NY 12553

77-9-4

Philip & Mary Billik  
2307 Pioneer Trail  
New Windsor, NY 12553

77-9-5

Arturo & Remedios Mercado  
2309 Pioneer Trail  
New Windsor, NY 12553

77-9-6

Enver & Mirsada Hakaj  
2311 Pioneer Trail  
New Windsor, NY 12553

77-10-1

Rafael Colon, Jr.  
Betty Gomez  
2401 Settlers Ridge  
New Windsor, NY 12553

77-10-2

Norman & Laura Jenkeleit  
2403 Settlers Ridge  
New Windsor, NY 12553









# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

April 22, 2004

Anthony A. Albanese  
2301 Pioneer Trail  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-22

Dear Mr. Albanese:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

2301 Pioneer Trail  
New Windsor, NY

is scheduled for the May 10<sup>th</sup>, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm





RESULTS OF Z.B.A. MEETING OF: April 12, 2004

PROJECT: Anthony Albanese

ZBA # 04-22  
P.B.#



USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

NEGATIVE DEC: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

PUBLIC HEARING: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

APPROVED: M) S) VOTE: A N  
RIVERA  
MCDONALD CARRIED: Y N  
REIS  
MINUTA  
KANE

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Ry S) Hc VOTE: A 3 N 0  
RIVERA A  
MCDONALD A  
REIS  
MINUTA  
KANE A

CARRIED: Y ☒ N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) S) VOTE: A N

RIVERA  
MC DONALD  
REIS  
MINUTA  
KANE

CARRIED: Y N

Deck will replace stairs  
No cutting trees  
No Water Hazards  
Similar in size & appearance





# **Town of New Windsor**

**555 Union Avenue**  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## **ZONING BOARD OF APPEALS**

March 29, 2004

Anthony A. Albanese  
2301 Pioneer Trail  
New Windsor, NY 12553

**SUBJECT: REQUEST FOR VARIANCE #04-22**

Dear Mr. Albanese:

This letter is to inform you that you have been placed on the April 12, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

2301 Pioneer Trail  
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm





# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



## ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO  
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

\*

**ESCROW**

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

\*\*

LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME



FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

**NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

**\*\* MUST READ AND SIGN \*\***

***I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).***

Anthony A. Albanese  
SIGNATURE

3/11/04  
DATE

**NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.  
(JULY AND AUGUST – ONE MEETING PER MONTH ONLY)





**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

3/11/04

Date

Application Type: Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: (845) 527-5380  
Anthony A. Albanese Fax Number: ( )  
(Name)  
2301 Pioneer Trail, New Windsor NY 12553  
(Address)

II. **Applicant:** Phone Number: ( )  
SAME Fax Number: ( )  
(Name)  
  
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ( )  
Same Fax Number: ( )  
(Name)  
  
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ( )  
Fax Number: ( )  
N/A  
(Name)  
  
(Address)

V. **Property Information:**  
Zone: residential Property Address in Question: 2301 Pioneer Trail, New Windsor  
Lot Size: 1/4 acre Tax Map Number: Section 77 Block 1 Lot 9  
a. What other zones lie within 500 feet? none  
b. Is pending sale or lease subject to ZBA approval of this Application? NA  
c. When was property purchased by present owner? 4/15/02  
d. Has property been subdivided previously? No If so, When: \_\_\_\_\_  
e. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? No  
f. Is there any outside storage at the property now or is any proposed? No

\*\*\*\*PLEASE NOTE:\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	30'	14'	16'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The purpose of adding a deck to our house is to maximize the use of our yard space.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**



XII. **ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

XIII. **ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
- ☐ One in the amount of \$ 300.00 or 500.00, (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00, (application fee)
- ☐ One in the amount of \$ 25.00, (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT THREE(3) SETS OF THE PHOTOS.)**

XIV. **AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

11<sup>th</sup> day of March 2004.

Anthony A. Albanese  
Owner's Signature (Notarized)

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/2006

Anthony A. Albanese ID-10  
Owner's Name (Please Print)

[Signature]  
Signature and Stamp of Notary

[Signature]  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐